

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

THIS DOCUMENT RELATES TO:

17-cv-04778 (*Brown v. 3M Co., et al.*)
18-cv-00207 (*Guenther v. 3M Co., et al.*)
18-cv-00275 (*Owens v. 3M Co., et al.*)

**DECLARATION OF DANIEL C. BURKE IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS**

I, Daniel C. Burke, declare as follows:

1. I am an attorney at Bernstein Liebhard LLP, counsel of record for Plaintiffs in the above-captioned matters.
2. I submit this declaration in opposition to Defendants’ Motion to Dismiss for Failure to Comply with the Pretrial Order No. 14.
3. The undersigned did not receive notice of Defendants’ intent to file the instant Motion in the *Brown, Guenther and Owens* matters until the date that Defendants’ Motion was filed on November 1, 2018 [Dkt. 1572], despite having entered an appearance for each of the above-captioned matters.
4. The undersigned diligently initiated efforts to cure the alleged core deficiencies and served fact sheets.

5. Defendants' have agreed to withdraw their motion as to Plaintiffs Brown and Guenther.

6. Plaintiff Owens has submitted an amended-PFS.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct.

DATED: November 08, 2018

/s/ Daniel C. Burke
Daniel C. Burke

CERTIFICATE OF SERVICE

I hereby that on November 8, 2018 a copy of the foregoing document was served on all parties via the Court's electronic filing system.

Respectfully submitted,

BERNSTEIN LIEBHARD LLP

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